

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District

FILE NUMBER: 04-102-021-0

Date December 13,
: 2004

**PROJECT REVIEW/DETERMINATION
COMPLETED:**

**In the office
(Y/N)**

N **Date**
:

**At the project
site (Y/N)**

Y **Date**
:

PROJECT LOCATION INFORMATION:

State: Indiana

County: Allen

Center coordinates of site by latitude & longitude coordinates: lat:41-13-24.4200 lon:85-8-21.5520

Approximate size of site/property (including
uplands) in acres

Name of waterway or watershed: Ely Run

| Type of Aquatic Resource ¹ : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | X | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (identify type) | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ | If Known | | If Unknown Use Best Professional Judgment | | |
|--|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | | | X | |
| ¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area. | | | | | |

TYPE OF DETERMINATION: **Preliminary** **Or Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

No connection to any other waters was observed for the wetlands determined to be non-jurisdictional. Jurisdiction was lost to approximately 0.31 acres of wetlands because of SWANCC.

Accepted Wetland Delineation Report from Graphic dated October 6, 2004

| Wetland ID | On-Site Acreage | Wetland Total Acreage | Isolated (Y/N) | Comments |
|--------------------------|--------------------|-----------------------------|-------------------|--|
| Wetland I | 0.03 acres | 0.03 acres | Yes | Hydrologically Isolated |
| Wetland II | 0.74 acres | unknown for ditch | No | Hydrologically Connected via unnamed ditch |
| Wetland III | 0.10 acres | 0.10 acres | Yes | Hydrologically Isolated |
| Wetland IV | 0.58 acres | 0.58 acres | No | Hydrologically Connected via unnamed ditch |
| Wetland V | 0.10 acres | 0.10 acres | Yes | Hydrologically Isolated |
| Wetland VI | 0.02 acres | 0.02 acres | Yes | Hydrologically Isolated |
| Wetland VII | 0.06 acres | 0.06 acres | Yes | Hydrologically Isolated |
| Total Acreage | 1.63 acres | 1.63 acres | | |